

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
TRUSTEES OF THE NEW YORK CITY DISTRICT	:
COUNCIL OF CARPENTERS PENSION FUND,	:
WELFARE FUND, ANNUITY FUND, AND	:
APPRENTICESHIP, JOURNEYMAN	:
RETRAINING, EDUCATIONAL AND INDUSTRY	:
FUND, et al.,	:
	:
Petitioners,	:
-against-	:
	:
A&C BROTHERS CONTRACTING INC.,	:
Respondent.	:
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22 Civ. 6445 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, this action concerns a petition to confirm an arbitration award (the “Petition”). (Dkt. Nos. 1, 2, 5.)

WHEREAS, Respondent was served on August 2, 2022, (Dkt. No. 7) but has not yet appeared in this action.

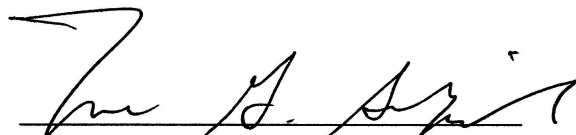
WHEREAS, Respondent was required to answer, move or otherwise respond to the Petition by August 23, 2022. *See* Fed. R. Civ. P. 12(a)(1)(A)(i).

WHEREAS, “default judgments in confirmation/vacatur proceedings are generally inappropriate.” *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006). Instead, a district court should treat an unanswered petition to confirm or vacate an arbitration award “as an unopposed motion for summary judgment.” *Id.* at 110; *accord Carroll v. Wells Fargo Clearing Servs., LLC*, No. 20 Civ. 4918, 2021 WL 634721, at \*2 (S.D.N.Y. Feb. 17, 2021). It is hereby

**ORDERED** that the Petition will be treated as an unopposed motion for summary judgment.

Petitioner’s unopposed motion for summary judgment is deemed fully briefed and will be decided on the papers already filed.

Dated: August 29, 2021  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE